

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

United States of America,

Plaintiff,

v.

Civil Action No. 1:18-CV-1183 (GTS/CFH)

Real Property commonly known as 423-425  
NYS Route 32, Schuylerville, New York,

Real Property commonly known as 427 NYS  
Route 32, Schuylerville, New York,

Real Property commonly known as 431 NYS  
Route 32, Schuylerville, New York,

\$10,000 in U.S. Currency,

\$10,001 in U.S. Currency, and

\$1,233 in U.S. Currency,

Defendants.

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

The United States of America brings this verified complaint for forfeiture *in rem* against the above-captioned assets (the “defendant property”) and alleges as follows:

**NATURE OF THE ACTION**

This is an action *in rem* brought pursuant to 21 U.S.C. §§ 881(a)(6), 881(a)(7), and Rule G of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions. Forfeiture is sought of the defendant property as money furnished or intended to be furnished in exchange for a controlled substance, proceeds traceable to such an exchange, or property used or intended to be used to facilitate a violation of 21 U.S.C. § 841.

### THE PARTIES

- 1) Plaintiff is the United States of America.
- 2) The defendant property consists of the following:
  - a) Real property commonly known as 423-425 NYS Route 32, Schuylerville, New York, Tax Map ID: 194.-2-3.22;
  - b) Real property commonly known as 427 NYS Route 32, Schuylerville, New York, Tax Map ID: 194.-2-3.1;
  - c) Real Property commonly known as 431 NYS Route 32, Schuylerville, New York, Tax Map ID: 194.-2-4;
  - d) \$10,001 in U.S. Currency that was seized from a 2008 Lexus driven by Cleveland Francis (Francis) on or about March 4, 2018;
  - e) \$1,233 in U.S. Currency that was seized from Francis when he was arrested in Stillwater, New York, on or about March 4, 2018; and
  - f) \$10,000 in U.S. Currency that was seized from Francis's apartment, located at 348 9th Avenue, 1st Floor, Mount Vernon, New York, on or about March 5, 2018.
- 3) The defendant currency is currently in the custody of the United States.
- 4) The defendant real property has not been seized but is located within this district and within the jurisdiction of the Court. The United States does not request authority from the Court to seize the defendant real properties at this time.<sup>1</sup>

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<sup>1</sup> The United States will, as provided by 18 U.S.C. §§ 985(b)(1) and (c)(1): post notice of this action and a copy of the complaint on the defendant real property; serve notice of this action on the defendant real property owners and any other person or entity who may claim an interest in the defendant property, along with a copy of this complaint; and file *lis pendens* against the defendant real properties.

### **JURISDICTION AND VENUE**

- 5) This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355.
- 6) This Court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b).
- 7) Venue is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395.

### **FACTS**

- 8) In August 2017, law enforcement learned that Cleveland Francis was distributing large quantities of cocaine in and around Saratoga County, New York.
- 9) Francis supplied several drug dealers with cocaine, including Dennis Jones.
- 10) Dennis Jones, in turn, supplied this cocaine to other drug dealers, including Kent Daniels.
- 11) On September 22, 2017, an undercover law-enforcement officer and a third party met Daniels at the Saratoga Lake Golf Course and then drove in separate cars to Kent's Crazy Horse, a business that Daniels owns, in Moreau, New York. Once they arrived, Daniels handed a bag containing cocaine to the third party who immediately handed the bag to the undercover.
- 12) On September 29, 2017, Francis brought approximately three ounces of cocaine to a meeting with a third party in Clifton Park. During that meeting, the third-party told Francis that he did not have enough money (\$3,000) to purchase the cocaine. Francis responded that he would leave the cocaine with Daniels and, once the third party had \$3,000, that person should deposit it into Francis' business account at TD Bank.
- 13) On October 3, 2017, the third-party and the undercover met Daniels at the Saratoga Lake Golf Course to retrieve the cocaine that Francis left with Daniels on September 29.

14) After that meeting, \$3,000 cash was deposited into Francis's business account.

15) On October 16, 2017, Francis sold approximately three ounces of cocaine for \$3,400 to an undercover at a Stewart's Shops in Malta, New York.

16) On November 15, 2017, Francis sold approximately three ounces of cocaine for \$3,750 to an undercover at an Outback Steak House in Clifton Park, New York.

17) On March 4, 2018, the undercover and Francis agreed to meet at a Stewart's Shop, in Stillwater, for a drug deal. When Francis pulled into the parking lot, he was approached by law enforcement and placed under arrest.

18) When Francis was searched, he had \$1,233 of the defendant currency on his person.

19) Francis later signed an authorization for law enforcement to search the vehicle that he drove to the drug deal, which contained the following items that authorities seized:

a) A blue plastic bag containing approximately seven ounces of cocaine;

b) A red backpack containing ten \$1,000 bundles of the defendant currency wrapped in rubber bands; and

c) A single U.S. dollar bill of the defendant currency in the front driver's side door pocket.

#### **Real Property Located at 423-425 State Route 32**

20) Patrick Jones holds title to the real property located at 423-425 State Route 32.

21) During an interview with law enforcement, Patrick Jones denied ownership of this property; advised that he has not been to the property since approximately 2006; and stated that the property belongs to his brother, Dennis Jones.

22) On March 4, 2018, law enforcement began to execute a search warrant at 423-425 State Route 32.

23) Dennis Jones and his daughter, Maggie Jones, were on site. Dennis Jones began a conversation with investigators and, after being advised of his Miranda rights, engaged in the following conversation with a deputy sheriff:

Deputy: "We know that Clev brought you cocaine today.  
Where is it?"

Jones: "It's not in the house, it's outside, I'll have to show  
you."

Deputy: "Where outside is it."

Jones: "It's in the shed but I'll have to show you or you'll  
never find it."

24) Dennis Jones then led investigators to a shed located approximately 60 yards from the residence, but still on the property. Once at the shed, Jones stated that the cocaine was in a plastic container located in an old metal cabinet in the back corner room. Investigators looked in that location and found a plastic container with approximately 1.5 kilograms of cocaine.

25) When Dennis Jones was asked by the deputy about money from his "drug transactions," Dennis Jones stated "I don't have any money left. When you got Clev you must have found the \$10,000 I gave him. That's all I had."

26) On the outside of this property, law enforcement found various buried and hidden containers containing large quantities of U.S. Currency, marijuana, and cocaine.

27) Inside one of the containers was a magazine addressed to Dennis Jones.

28) In total, law enforcement seized \$215,027, approximately 1.5 kilograms of cocaine, and approximately 9.38 pounds of marijuana from this property.

29) Dennis Jones was arrested and charged with Criminal Possession of a Controlled Substance in the First Degree.

**Real Property Located at 427 State Route 32**

30) Patrick Jones holds title to the real property located at 427 State Route 32.

31) During his interview with law enforcement, Patrick Jones denied ownership of this property; advised that he has not been to the property since approximately 2006; and advised that the property belongs to his brother, Dennis Jones.

32) On March 4, 2018, law enforcement began to execute a search warrant at 427 State Route 32.

33) Debra Comorski was present during the search and indicated that she leases a portion of the property from Dennis Jones.

34) Comorski subsequently gave the following written statement to law enforcement:

I have seen many cars come into my driveway to meet with “Denny.” There were people here everyday starting around 11a.m. and going to about 7:30pm at the blue house. I have lived on the second floor of the blue house for the past four to five years. In my time living here I have seen Denny dealing cocaine and marihuana in the driveway of the blue house. I have witnessed hundreds of hand-to-hand transactions between Denny and his customers. When Denny was on vacation he would leave the cut-up coke with RJ Richardson at the trailer near my house. I know this because I bought from RJ about a year ago when Denny was in Alaska.

35) In total, law enforcement seized \$27,116 and approximately 19.64 pounds of marijuana from this property.

**Real Property Located at 431 State Route 32**

36) Dennis Jones and Mariann Werner hold title to the real property located at 431 State Route 32.

37) Dennis Jones leased a trailer on this property to RJ Richardson for \$1,000 per month.

38) Dennis Jones facilitated the sale of cocaine from the trailer.

39) Richardson sold cocaine from the trailer to, among other people, Comorski.

40) Richardson gave a written statement to law enforcement indicating that he gets his “cocaine and weed” from Dennis Jones; that Dennis Jones has “thirty to forty customers”; and that “[w]hile Denny was away I would hold cocaine for my friends and they would pay Denny.”

#### **Personal Property at Francis’s Home in Mount Vernon**

41) Francis rents one unit in an apartment building in Mount Vernon, New York.

42) On March 4, 2018, law enforcement began to execute a search warrant of Francis’s apartment unit.

43) During the search, law enforcement seized from Francis’s apartment unit an unregistered semi-automatic pistol together with cash consistent with the packaging (in rubber bands) and denomination (\$10,000) found on Francis’s person when he was taken into custody.

#### **Related Criminal Cases**

44) On June 29, 2018, Dennis Jones plead guilty in state court to Criminal Possession of a Controlled Substance in the First Degree. He has since been sentenced to 14 years in prison and 5 years of post-release supervision.

45) On September 12, 2018, Francis plead guilty in state court to Criminal Possession of a Controlled Substance in the First Degree. He is awaiting sentencing.

#### **CONCLUSION**

46) As required by Supplemental Rule G(2)(f), the facts set forth above support a reasonable belief that the government will be able to meet its burden of proof at trial. Specifically, probable cause exists to believe that the defendant property constitutes: (a) money furnished or intended to be furnished by a person in exchange for a controlled substance in violation of the

Controlled Substances Act; (b) proceeds traceable to such an exchange; or (c) property used or intended to be used to facilitate a violation of the Controlled Substances Act.

WHEREFORE, pursuant to Supplemental Rule G, plaintiff the United States of America, respectfully requests that the Court:

- a) Issue a Warrant of Arrest *In Rem*, in the form submitted with this complaint;
- b) Direct any person having any claim to the defendant property to file and serve their verified claims and answers as required by 18 U.S.C. § 983(a)(4) and Supplemental Rule G;
- c) Enter judgment declaring the defendant property to be forfeited and condemned to the use and benefit of the United States; and
- d) Award such other and further relief to the United States as it deems proper and just.

Dated: October 1, 2018

Respectfully submitted,

GRANT C. JAQUITH  
United States Attorney

By: /s/ Adam J. Katz  
ADAM J. KATZ (Bar No. 517894)  
Assistant United States Attorney  
United States Attorney's Office  
Northern District of New York  
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Albany, New York 12207  
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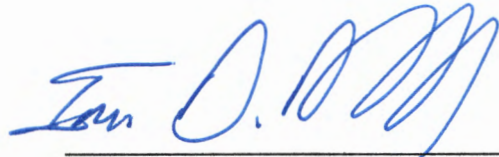
**VERIFICATION**

STATE OF NEW YORK       )  
  ) ss:  
COUNTY OF ALBANY       )

Herbert Hall, being duly sworn, deposes and states:

I am an Investigator with the Saratoga County Sheriff's Office, Assigned to the Drug Enforcement Administration. I have read the foregoing Complaint for Forfeiture and assert that the facts contained therein are true to the best of my knowledge and belief, based upon knowledge possessed by me and/or on information received from other law enforcement officers.

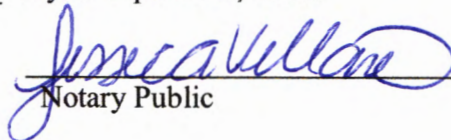
Dated this 28<sup>th</sup> day of September, 2018.



Herbert Hall, Investigator  
Saratoga County Sheriff's Office

Drug Enforcement Administration

Sworn to and subscribed before me this 28<sup>th</sup> day of September, 2018.

  
Notary Public

JESSICA VELLANO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01VE6053483  
Qualified in Rensselaer County  
My Commission Expires January 08, 2019

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff Albany  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Adam J. Katz, Assistant U.S. Attorney (518) 431-0247  
United States Attorney's Office, 445 Broadway,  
Albany, New York 12207

**DEFENDANTS**

Real property known as 423-425 NYS Route 32, Schuylerville, NY, et al.

County of Residence of First Listed Defendant Saratoga  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |  | PTF                        | DEF                        |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
21USC 881

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

10/01/2018

s/Adam J. Katz

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT Waived APPLYING IFP \_\_\_\_\_ JUDGE GTS MAG. JUDGE \_\_\_\_\_ CFH